



MITIGATED NEGATIVE DECLARATION

A. PROJECT DESCRIPTION:

Entitlement: Tentative Parcel Map No. 6011 (Case No. PL18-0137)

Applicant: Matthew and Pamela Portenstein

Location: 3.29-acre undeveloped property located along Burnham Road, approximately 817 feet south of the intersection of Burnham Road and Los Encinos Road, in the community of Oak View

Assessor's Parcel No.: 032-0-201-105

Parcel Size: 3.29-acres

General Plan Designation: Very Low Density Residential

Zoning Designation: (R1-20,000 sq. ft. / TRU / DKS / HCWC) Single-Family Residential, 20,000 square feet minimum lot size / Temporary Rental Unit Regulation overlay zone / Dark Sky overlay zone / Habitat Connectivity Wildlife Corridor overlay zone

Responsible and/or Trustee Agencies: California Department of Fish and Wildlife (CDFW) and Ventura Local Agency Formation Commission (LAFCo).

Project Description: Matthew and Pamela Portenstein ("Subdivider"), request approval of a Tentative Parcel Map (TPM) to subdivide an approximately 3.29-gross acre lot into 3 separate lots. After Parcel Map No. 6011 records, proposed Lot 1 will be 1.78 acres (77,531.4 square feet [sq. ft.]), proposed Lot 2 will be 0.75 acres (32,782 sq. ft.) and proposed Lot 3 will be 0.76 acres (32,930 sq. ft.). The net acreage and gross acreage will be the same after Parcel Map No. 6011 records, because there are no proposed or existing right of way or private drive easements within the exterior boundary of the tentative parcel map. Residential development of each lot could occur with a ministerial zoning clearance following recordation of the TPM. Future development would be restricted to designated building sites as shown on the TPM (Attachment 3). A private onsite driveway on each proposed lot will provide direct access to Burnham Road.

The proposed building sites minimize adverse impacts to the oak woodland, however, the access road on Lot 3 would be located under oak tree canopies and would adversely affect 0.11 acres of coast live oak woodland (*Quercus agrifolia* Woodland Alliance). Two protected coast live oak trees, identified as tree no. 146 and no. 147 (Attachment 4), would be encroached upon as a result of future development on Lot 3. The Subdivider provided a Tree Protection Plan (Attachment 4) to minimize tree encroachment and mitigate for any loss to protected trees.

The Ventura River Water District (VRWD) will provide potable water service to the subdivision. Public sewer is operated by the Ojai Valley Sanitary District (OVSD) and the subdivision is located within the sphere of influence of the OVSD. The nearest sewer connection is located approximately 77 feet east of the subdivision. The Subdivider proposes to connect future residential development to public sewer. On December 19, 2019, the Ventura Local Agency Formation Commission (LAFCo) approved and recorded with the Ventura County Recorder, a Certificate of Completion (Document No. 20191216-0015639-0), which authorized the annexation of the subject lot into OVSD.

B. STATEMENT OF ENVIRONMENTAL FINDINGS:

State law requires the Resource Management Agency, Planning Division, as the lead agency for the proposed project, to prepare an Initial Study (environmental analysis) to determine if the proposed project could significantly affect the environment. Based on the findings contained in the attached Initial Study, it has been determined that the proposed project may have a significant effect on the environment; however, mitigation measures are available that would reduce the impacts to less than significant levels. Therefore, a Mitigated Negative Declaration has been prepared and the applicant has agreed to implement the mitigation measures.

C. LISTING OF POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS IDENTIFIED:

List of Potentially Significant Environmental Impacts Identified:

1. Section 4A, Biological Resources, Species: The initial study found that the proposed project would have significant impacts to special status wildlife species. Impacts will be less than significant with the implementation of mitigation measures BIO-1 and BIO-2, which require the preparation and implementation of a Tree Protection Plan to offset the impacts to protected oak trees that would result from future development on Proposed Lot 3 and the submittal annual arborist monitoring reports, which address the success of the tree protection measures and the overall condition of encroached-upon trees relative to their condition prior to the initiation of future construction activities.

The Initial Study also found that the proposed project would have significant impacts to special-status wildlife species, specifically nesting birds. Impacts will be less than significant with the implementation of Mitigation Measure BIO-3, which requires pre-construction surveys and relocation of special-status species (if necessary) if land clearing activities occur during the nesting bird season (February 1 to September 1).

2. Section 4B, Biological Resources, Ecological Communities - Sensitive Plant Communities: The Initial Study found that the proposed project would have significant impacts to special-status plant communities. Impacts will be less than significant with the implementation of Mitigation Measures BIO-1 and BIO-2 discussed above.
3. Section 4C, Biological Resources, Ecological Communities - Waters and Wetlands: The Initial Study found that the proposed project would have significant impacts to waters and wetlands. Impacts will be less than significant with the implementation of Mitigation Measure BIO-4, which requires the future Property Owner of Lots 1 through 3 to submit a landscaping plan prior to development of the lots, which prohibits the installation and maintenance of non-native invasive plants.
4. Section 4E, Biological Resources, Habitat Connectivity: The Initial Study found that the proposed project would have significant impacts to habitat connectivity. To avoid future barriers to wildlife movement, Mitigation Measures BIO-5 and BIO-6 require fencing to be permeable to wildlife and the submittal of a lighting plan.

D. PUBLIC REVIEW:

Legal Notice Method: Direct mailing to property owners within 300 feet of the property on which the proposed project is located, and a legal notice in the *Ventura County Star*.

Document Posting Period: March 22, 2021 to April 21, 2021

Public Review: The Initial Study/Mitigated Negative Declaration is available for public review online at <https://vcrma.org/divisions/planning> (select "CEQA Environmental Review") or at the County of Ventura, Resource Management Agency, Planning Division, 800 South Victoria Avenue, Ventura, California, from 8:00 am to 5:00 pm, Monday through Friday.

Comments: The public is encouraged to submit written comments regarding this Initial Study/Mitigated Negative Declaration no later than 5:00 p.m. on the last day of the document posting period to Kristina Boero, the case planner, at the County of Ventura Resource Management Agency, Planning Division, 800 South Victoria Avenue L#1740, Ventura, CA 93009. You may also e-mail the case planner at kristina.boero@ventura.org.

D. CONSIDERATION AND APPROVAL OF THE MITIGATED NEGATIVE DECLARATION:

Prior to approving the project, the decision-making body of the Lead Agency must consider this Mitigated Negative Declaration and all comments received on the Mitigated Negative Declaration. That body may approve the Mitigated Negative Declaration if it finds that all the significant effects have been identified and that the proposed mitigation measures will reduce those effects to less than significant levels.

Prepared by:

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